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OFFICIAL GAZETTE

GOVERNMENT OF GOA



NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 23 dated 3-9-2009 namely, Extraordinary dated 8-9-2009 from pages 2063 to 2064 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).

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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/1/2009-LA/229

The National Jute Board Act, 2008 (Central Act No. 12 of 2009), which has been passed by Parliament and assented to by the President of India on 12-2-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 12-2-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE NATIONAL JUTE BOARD ACT, 2008

Arrangement of Sections

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10. Guarantee to be operative.
11. Provisions in respect of officers and other employees of Council and Society.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—
(1) This Act may be called the National Jute Board Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the purpose of section 3;

(b) “Board” means the National Jute Board constituted under section 3;

(c) “Chairperson” means the Chairperson of the Board;

(d) “Council” means the Jute Manufactures Development Council established under section 3 of the Jute Manufactures Development Council Act, 1983; 27 of 1983.

(e) “Jute” means the plants of jute, kenaf and mesta;

(f) “Jute manufacture” shall have the same meaning as assigned to it in the Jute Manufactures Cess Act, 1983; 28 of 1983.

(g) “member” means a member of the Board and includes the Chairperson;

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THE NATIONAL JUTE BOARD ACT, 2008

AN

ACT

to provide for the establishment of a National Jute Board for the development of the

(h) "prescribed" means prescribed by rules made under this Act;

(i) "regulations" means regulations made by the Board under this Act;

(j) "Society" means the National Centre for Jute Diversification, a society set up by the Central Government in the Ministry of Textiles and registered under the Societies Registration Act, 1860; 21 of 1860.

(k) "year" means the year commencing on the 1st day of April and ending on the 31st day of March next following.

CHAPTER II

The National Jute Board

3. *Constitution and incorporation of Board.*— (1) With effect from the appointed day, the Central Government shall, by Notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the National Jute Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Kolkata in the State of West Bengal or such other place as the Central Government may, by notification in the Official Gazette, specify and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

(4) The Board shall consist of the following members, namely:—

(a) the Secretary in charge of the ministry of the Central Government dealing with textiles, who shall be the *ex officio* Chairperson of the Board;

(b) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States;

(c) the Additional Secretary and Financial Adviser, Ministry of Textiles, Government of India, *ex officio*;

(d) the Joint Secretary (Jute) in the Ministry of Textiles, Government of India, *ex officio*;

(e) two members of the rank of Joint Secretary to be nominated by the Central Government to represent respectively the ministries of the Central Government dealing with—

(i) agriculture, and

(ii) food and public distribution;

(f) three members to be nominated by the Central Government by rotation in the alphabetical order to represent respectively the Governments of the States of Andhra Pradesh, Assam, Bihar, Meghalaya, Orissa, Tripura and West Bengal; the nomination shall be from officials of the State Government holding the rank of Secretary to the State Government and dealing with Jute or Textile matters;

(g) three members of jute farmers of which one from State of West Bengal and two from other States on rotational basis to be nominated by the Central Government;

(h) three members of jute workers of which one from State of West Bengal and two from other States nominated by the Central Government on rotational basis;

(i) two experts from the field of jute technology and related field to be nominated by the Central Government;

(j) two members from the "micro enterprises", "small enterprises" and

“medium enterprises” dealing in jute industry to be nominated by the Central Government.

Explanation:— For the purpose of this clause, the expressions “medium enterprise”, “micro enterprise” and “small enterprise” shall have the meanings respectively assigned to them in clause (g), clause (h) and clause (m) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006;

27 of 2006.

(k) two members to be appointed by the Central Government to represent the jute industry in the organised sector;

(l) two members to be appointed by the Central Government to represent the jute industry in the decentralised sector;

(m) two members to be appointed by the Central Government to represent the exporters of jute products;

(n) the Director, Indian Jute Industries Research Association, *ex officio*;

(o) the Principal, Institute of Jute Technology, *ex officio*;

(p) the Director, National Institute of Research on Jute and Allied Fibre Technology, Kolkata, *ex officio*;

(q) the Director, Central Research Institute for Jute and Allied Fibres, *ex officio*;

(r) the Chairman and Managing Director, Jute Corporation of India, *ex officio*;

(s) the Jute Commissioner, *ex officio*;

(t) the Secretary, National Jute Board, who shall be the *ex officio* Member-Secretary of the Board.

(5) The term of office of the members, other than the *ex officio* members, and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, such members shall be as may be prescribed.

(6) The office of members of the Board shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.

(7) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be assigned to him by the Board and such other powers and duties as may be prescribed.

(8) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(9) The Board shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be determined by regulations.

4. *Secretary and other officers.*— (1) The Central Government may appoint the Secretary and such other officers and employees as it considers necessary, for the efficient discharge of the functions of the Board under this Act.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

CHAPTER III

Functions of the Board

5. *Functions of Board.*— (1) It shall be the duty of the Board to promote the development of jute and jute products by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the Board may undertake measures to—

(i) evolve an integrated approach to jute cultivation in the matters of formulation of

schemes, extension work, implementation and evaluation of schemes aimed at increasing the yield of jute and improving the quality thereon;

(ii) promote production of better quality raw jute;

(iii) enhance productivity of raw jute;

(iv) promote or undertake arrangements for better marketing and stabilisation of the prices of raw jute;

(v) promote standardisation of raw jute and jute products;

(vi) suggest norms of efficiency for jute industry with a view to eliminating waste, obtaining optimum production, improving quality and reducing costs;

(vii) propagate information useful to the growers of raw jute and manufacturers of jute products;

(viii) promote and undertake measures for quality control of raw jute and jute products;

(ix) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of raw jute;

(x) promote or undertake surveys or studies aimed at collection and formulation of statistics regarding raw jute and jute products;

(xi) promote standardisation of jute manufactures;

(xii) promote the development of production of jute manufactures by increasing the efficiency and productivity of the jute industry;

(xiii) sponsor, assist, co-ordinate, encourage or undertake scientific,

technological, economic and marketing research pertaining to the jute sector;

(xiv) maintain and improve existing markets and to develop new markets within the country and outside for jute manufactures and to devise marketing strategies in consonance with the demand for such manufactures in the domestic and international markets;

(xv) sponsor, assist, coordinate or encourage scientific, technological and economic research in the matters related to materials, equipment, methods of production, product development including discovery and development of new materials, equipment and methods and improvements in those already in use in the jute industry;

(xvi) provide and create necessary infrastructural facilities and conditions conducive to the development of diversified jute products by way of assisting the entrepreneurs, artisans, craftsman, designers, manufacturers, exporters, non-Governmental agencies in the following manner, namely:—

(a) transfer of technology from research and development institutions and other organisations in India and abroad;

(b) providing support services to the entrepreneurs for the implementation of their projects including technical guidance and training;

(c) organizing entrepreneurial development programmes;

(d) planning and executing market promotion strategies including exhibitions, demonstrations, media campaigns in India and abroad;

(e) providing financial assistance by way of subsidy or seed capital;

(f) providing a forum to the people engaged or interested in diversified jute products for interacting with various national and international agencies, engaged in the jute and jute textile sector;

(xvii) organize workshops, conferences, lectures, seminars, refresher courses and set up study groups and conduct training programmes for the purpose of promotion and development of jute and jute products;

(xviii) to undertake research on jute seed to improve quality and to shorten the gestation period of jute crop;

(xix) to incorporate measures for sustainable Human Resource Development of the jute sector and to provide necessary funds for the same;

(xx) modernisation of jute sector and technology development;

(xxi) to take steps to protect the interests of jute growers and workers and to promote their welfare by improving their livelihood avenues;

(xxii) secure better working conditions and provisions and improvement of amenities and incentives for workers engaged in the jute industry;

(xxiii) register jute growers and manufacturers on optional basis;

(xxiv) collect statistics with regard to jute and jute products for compilation and publication;

(xxv) subscribe to the share capital of or enter into any arrangement (whether by way of partnership, joint venture or any other manner) with any other body corporate for the purpose of promoting the jute sector or for promotion and marketing of jute and jute products in India and abroad.

(3) It shall be the duty of the Board—

(a) to advise the Central Government on all matters relating to the development of raw jute

and the jute industry, including import and export of jute and jute products;

(b) to prepare and furnish reports relating to the jute sector as may be required by the Central Government from time to time.

CHAPTER IV

Property and Contract

6. *The Council and Society to vest in Board.*—

(1) On and from the appointed day, there shall be transferred to, and vest in, the Board constituted under section 3, the Council and the Society.

(2) The Council and the Society which is transferred to, and which vests in, the Board under sub-section (1) shall be deemed to include all assets, rights, powers, authorities and privileges and all property movable and immovable, real or personal, corporeal or incorporeal, present or contingent, of whatever nature and wheresoever situate, including lands, buildings, machinery, equipments, cash balances, capital, reserves, reserve funds, investments, tenancies, leases and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership or possession or power of the Council, or as the case may be, the Society, whether within or outside India, all books of account and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Society, or as the case may be, the Council.

7. *General effect of vesting of Council and Society in Board.*—

(1) All contracts, agreements and working arrangements subsisting immediately before the appointed day and affecting the Council, or, as the case may be, the Society shall, in so far as they relate to the Council, or, as the case may be, the Society, cease to have effect or be enforceable against the Council, or, as the case may be, the Society and shall be of as full force and effect against or in favour of the Board in which

the Council and the Society have vested by virtue of this Act and enforceable as fully and effectively as if, instead of the Council, or, as the case may be, the Society, the Board had been named therein or had been a party thereto.

(2) Any proceeding, suit or cause of action pending or existing immediately before the appointed day by or against the Council or the Society may, as from that day, be continued and enforced by or against the Board in which it has vested by virtue of this Act, as it might have been enforced by or against the Council or the Society if this Act had not been passed, and shall cease to be enforceable by or against the Council or, as the case may be, the Society.

8. *Licences, etc., to be deemed to have been granted to Board.*— With effect from the appointed day, all licences, permits, quotas and exemptions, granted to the Council or the Society in connection with the affairs and business of the Council, or, as the case may be, the Society, under any law for the time being in force, shall be deemed to have been granted to the Board in which the Council and the Society have vested by virtue of this Act.

9. *Tax exemption or benefit to continue to have effect.*— (1) Where any exemption from, or any assessment with respect to, any tax has been granted or made or any benefit by way of set off or carry forward, as the case may be, of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Council or the Society, under the Income-tax Act, 1961, such exemption, assessment or benefit shall continue to have effect in relation to the Board in which the Council and the Society have vested by virtue of this Act.

(2) Where any payment made by the Council or the Society is exempted from deduction of tax at source under

any provision of the Income-tax Act, 1961, the exemption from tax will continue to be available as if the provisions of the said Act made applicable to the Council or the Society were operative in relation to the Board in which the Council and the Society have vested by virtue of this Act.

(3) The transfer and vesting of the Council or the Society in terms of section 6 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 for the purposes of capital gains.

10. *Guarantee to be operative.*— Any guarantee given for or in favour of the Council or the Society with respect to any loan or lease finance shall continue to be operative in relation to the Board in which the Council and the Society have vested by virtue of this Act.

11. *Provisions in respect of officers and other employees of Council and Society.*— (1) (a) Every officer or other employee of the Council serving in its employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the Council which has vested in the Board by virtue of this Act, becomes, as from the appointed day, an officer, or, as the case may be, other employee of the Board.

(b) Every officer or other employee of the Society serving in its employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the Society which has vested in the Board by virtue of this Act, becomes, as from the appointed day, an officer, or, as the case may be, other employee of the Board.

(2) Every officer or other employee of the Council or the Society who becomes an officer, or as the case may be, other employee of the Board, as referred to in sub-section (1), shall hold his office or service therein by the same

tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and rights and privileges as to leave, insurance, superannuation scheme, provident fund, other funds, retirement, pension, gratuity and other benefits as he would have held under the Council, or, as the case may be, the Society, if it had not vested in the Board and shall continue to do so as an officer or other employee, as the case may be, of the Board, or until the expiry of a period of one year from the appointed day if such officer or other employee opts not to be the officer or other employee of the Board within such period:

Provided that if the Board thinks it expedient to extend the period so fixed, it may extend the same up to a maximum period of one year.

(3) Where an officer or other employee of the Council or the Society opts under sub-section (2) not to be in the employment or service of the Board in which the Council and the Society have vested, such officer or other employee shall be deemed to have resigned from the respective cadre.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Council or the Society to the Board shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) The officers and other employees who have retired before the appointed day from the service of the Council or the Society and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Board in which the Council and the Society have vested.

(6) The trusts of the Provident Fund and Group Insurance and Superannuation Scheme of the Council or the Society for the welfare of officers or employees would continue to discharge their functions in the Board as was being done hitherto in the Council or the Society and tax exemption granted to Provident Fund or Group Insurance and Superannuation Scheme would continue to be applied to the Board.

(7) After the expiry of the period of one year, or the extended period, as referred to in sub-section (2), all the officers and other employees transferred and appointed to the Board, other than those opting not to be the officers or employees of the Board within such period, shall be governed by the rules and regulations made by the Board in respect of the service conditions of the officers and other employees of the said Board.

CHAPTER V

Powers of the Central Government

12. *Directions by Central Government.*— (1) The Board shall, in the discharge of its functions and duties under the relevant statute, be bound by the directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

13. *Supersession of Board.*— (1) If at any time the Central Government is of the opinion that—

(a) on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default, the financial position of the Board or the administration of the Board has deteriorated; or

(c) the circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification—

(a) all the members of the Board shall, as from the date of supersession vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of the relevant Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification to be issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action will be laid before each House of Parliament at the earliest.

CHAPTER VI

Finance, Accounts and Audit

14. *Grants and loans by Central Government.*— (1) The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a fund to be called the Jute Board Fund and there shall be credited thereto—

(a) any grants and loans made to the Board by the Central Government;

(b) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(3) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions; and

(c) expenses on objects and for purposes authorised by this Act.

15. *Budget.*— The Board shall prepare in such form and at such time during each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board, and forward the same to the Central Government.

16. *Annual report.*— The Board shall prepare in such form and at such time, each

financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

17. *Accounts and audit.*— The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, an audited copy of its accounts, together with the auditor's report thereon.

18. *Laying of annual and auditor's report before Parliament.*— The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VII

Miscellaneous

19. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceeding shall lie against the Central Government, or the Board or any member of the Board, or any officer or other employee of the Central Government or of the Board or any other person authorised by the Central Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

20. *Officers and employees of Board to be public servants.*— All officers and employees of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal 45 of 1860. Code.

21. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office and other conditions of service of the members of the Board under sub-section (5) of section 3;

(b) the powers and duties of the Chairperson under sub-section (7) of section 3;

(c) the powers and functions of the Vice-Chairperson under sub-section (8) of section 3;

(d) the form in which, and the time at which, the Board shall prepare its budget under section 15;

(e) the form in which, and the time at which, the Board shall prepare its annual report under section 16;

(f) the manner in which the accounts of the Board shall be maintained and audited, and the date before which the audited copy of the accounts may be furnished to the Central Government under section 17;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by the rules.

22. *Power to make regulations.*— (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with the provisions of this Act and the rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner in which the business of the Board shall be conducted under sub-section (9) of section 3; and

(b) the terms and conditions of service of the Secretary and other officers and employees of the Board under section 4.

23. *Rules and regulations to be laid before Parliament.*— Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

24. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

25. *Amendment of Act 28 of 1983.*— In the Jute Manufactures Cess Act, 1983,—

(a) in section 3,—

(i) in sub-section (1), for the words and figures “the Jute Manufactures Development Council Act, 1983”, the words and figures “the National Jute Board Act, 2008” shall be substituted;

(ii) in sub-section (2), the words “and Salt” shall be omitted;

(iii) in sub-section (4), the words “and Salt” shall be omitted;

(b) in section 4, for the words, brackets and figures “the Jute Manufactures Development Council, from time to time, from out of such proceeds (after deducting the cost of collection which shall not exceed four per cent. of such proceeds) such sums of money as it may think fit for being utilised for the purposes of the Jute Manufactures Development Council Act, 1983”, the words, brackets and figures “the National Jute Board from time to time, from out of such proceeds (after deducting the cost of collection which shall not exceed four per cent. of such proceeds) such sums of money as it may think fit for being utilised for the purposes of the National Jute Board Act, 2008” shall be substituted.

26. *Repeal and savings.*— (1) On and from the appointed day, the Jute Manufactures Development Council Act, 1983 shall stand repealed. 27 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Notification

10/1/2009-LA/230

The Appropriation (Railways) Act, 2009 (Central Act No. 13 of 2009), which has been passed by Parliament and assented to by the President of India on 02-03-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 03-03-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE APPROPRIATION (RAILWAYS)
ACT, 2009

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09 for the purposes of Railways.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) Act, 2009.

2. *Issue of Rs. 10806,68,03,000 out of the Consolidated Fund of India for the financial year 2008-09.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten thousand eight hundred six crore, sixty-eight lakh and three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

| No. of Vote | Services and purposes | Sums not exceeding | | |
|----------------|--|------------------------|--|-----------------|
| | | Voted by Parliament | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | | |
| | | Rs. | Rs. | Rs. |
| 1 | Railway Board | 15,00,00,000 | ... | 15,00,00,000 |
| 3 | General Superintendence and Services on Railways.... | 427,25,77,000 | ... | 427,25,77,000 |
| 4 | Repairs and Maintenance of Permanent Way and Works | 432,51,11,000 | ... | 432,51,11,000 |
| 5 | Repairs and Maintenance of Motive Power | 258,62,14,000 | 10,89,000 | 258,73,03,000 |
| 6 | Repairs and Maintenance of Carriages and Wagons.... | 845,19,03,000 | ... | 845,19,03,000 |
| 7 | Repairs and Maintenance of Plant and Equipment.... | 371,08,19,000 | 1,41,000 | 371,09,60,000 |
| 8 | Operating Expenses—Rolling Stock and Equipment.... | 540,27,88,000 | ... | 540,27,88,000 |
| 9 | Operating Expenses—Traffic | 1205,17,90,000 | ... | 1205,17,90,000 |
| 10 | Operating Expenses—Fuel | 567,36,50,000 | 39,23,79,000 | 606,60,29,000 |
| 11 | Staff Welfare and Amenities | 281,01,04,000 | 16,00,000 | 281,17,04,000 |
| 12 | Miscellaneous Working Expenses | 353,57,32,000 | 34,32,16,000 | 387,89,48,000 |
| 13 | Provident Fund, Pension and Other Retirement Benefits | 3065,35,87,000 | 4,93,000 | 3065,40,80,000 |
| 15 | Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation | 75,08,00,000 | ... | 75,08,00,000 |
| 16 | Assets—Acquisition, Construction and Replacement Other Expenditure | | | |
| | Capital | 2280,00,00,000 | 5,00,00,000 | 2285,00,00,000 |
| | Railway Funds | 10,000 | 10,00,00,000 | 10,00,10,000 |
| | Railway Safety Fund | ... | 28,00,000 | 28,00,000 |
| Total : | | 10717,50,85,000 | 89,17,18,000 | 10806,68,03,000 |

Notification

10/1/2009-LA/231

The Appropriation (Railways) No. 2 Act, 2009 (Central Act No. 14 of 2009), which has been passed by Parliament and assented to by the President of India on 02-03-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 03-03-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

**THE APPROPRIATION (RAILWAYS)
No. 2 ACT, 2009**

AN

ACT

to provide for authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 2007 in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 2 Act, 2009.

2. *Issue of Rs. 167,03,48,418 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st day of March, 2007.*— From and out of the Consolidated Fund of India the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred sixty-seven crores, three lakhs, forty-eight thousand, four hundred and eighteen rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2007 in excess of the amounts granted for those services and for that year.

3. *Appropriation.*— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be deemed to have been appropriated for the services and purposes stated in the Schedule in relation to the financial year ended on the 31st day of March, 2007.

THE SCHEDULE

(See sections 2 and 3)

| No. of Vote | Services and purposes | Sums not exceeding | | |
|----------------|---|------------------------|--|-----------|
| | | Voted by Parliament | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | | |
| | | Rs. | Rs. | Rs. |
| 1 | Railway Board | 1,34,075 | ... | 1,34,075 |
| 3 | General Superintendence and Services on Railways | .. | 1,01,667 | 1,01,667 |
| 4 | Repairs and Maintenance of Permanent Way and Works | .. | 40,49,124 | 40,49,124 |

| 1 | 2 | 3 |
|---|---------------|---------------|
| | Rs. | Rs. |
| 5 Repairs and Maintenance of Motive Power | .. | 2,50,314 |
| 10 Operating Expenses—Fuel | 23,47,96,342 | ... |
| 12 Miscellaneous Working Expenses | ... | 3,19,59,757 |
| 15 Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation | 4,54,77,535 | ... |
| 16 Assets—Acquisition, Construction and Replacement | | |
| Revenue | ... | 11,84,393 |
| Capital | ... | 8,39,43,006 |
| Railway Funds | 121,32,89,008 | 5,47,53,774 |
| Railway Safety Fund | ... | 5,105 |
| Special Railway Safety Fund | ... | 4,04,318 |
| Total : | 149,36,96,960 | 17,66,51,458 |
| | | 167,03,48,418 |

Notification

10/1/2009-LA/232

The Appropriation (Railways) Vote on Account Act, 2009 (Central Act No. 15 of 2009), which has been passed by Parliament and assented to by the President of India on 03-03-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 04-03-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary
(Law).

Porvorim, 16th July, 2009.

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 2009

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2009-10 for the purposes of Railways.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) Vote on Account Act, 2009.

2. *Withdrawal of Rs. 64379,75,71,000 from and out of the Consolidated Fund of India for the financial year 2009-10.*— From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixty-four thousand three hundred seventy-nine crore, seventy-five lakh and seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes stated in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

| No. of Vote | Services and purposes | Sums not exceeding | | |
|----------------|--|------------------------|--|-----------------|
| | | Voted by Parliament | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | | |
| | | Rs. | Rs. | Rs. |
| 1 | Railway Board | 75,99,49,000 | ... | 75,99,49,000 |
| 2 | Miscellaneous Expenditure (General) | 233,25,49,000 | .. | 233,25,49,000 |
| 3 | General Superintendence and Services on Railways..... | 1962,60,37,000 | 49,000 | 1962,60,86,000 |
| 4 | Repairs and Maintenance of Permanent Way and Works | 2983,97,92,000 | 14,67,000 | 2984,12,59,000 |
| 5 | Repairs and Maintenance of Motive Power | 1317,55,54,000 | .. | 1317,55,54,000 |
| 6 | Repairs and Maintenance of Carriages and Wagons..... | 3044,48,49,000 | 2,00,000 | 3044,50,49,000 |
| 7 | Repairs and Maintenance of Plant and Equipment... | 1741,93,40,000 | 2,10,000 | 1741,95,50,000 |
| 8 | Operating Expenses—Rolling Stock and Equipment... | 2243,41,67,000 | 29,000 | 2243,41,96,000 |
| 9 | Operating Expenses—Traffic | 5861,11,11,000 | 6,02,000 | 5861,17,13,000 |
| 10 | Operating Expenses—Fuel | 4977,06,17,000 | .. | 4977,06,17,000 |
| 11 | Staff Welfare and Amenities | 1265,96,65,000 | 21,83,000 | 1266,18,48,000 |
| 12 | Miscellaneous Working Expenses | 1297,88,19,000 | 27,43,43,000 | 1325,31,62,000 |
| 13 | Provident Fund, Pension and Other Retirement Benefits | 6555,09,80,000 | 23,16,000 | 6555,32,96,000 |
| 14 | Appropriation to Funds | 8757,42,00,000 | .. | 8757,42,00,000 |
| 15 | Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation | 8,56,23,000 | .. | 8,56,23,000 |
| 16 | Assets—Acquisition, Construction and Replacement Revenue | 20,00,00,000 | .. | 20,00,00,000 |
| | <i>Other Expenditure</i> | | | |
| | Capital | 14758,98,40,000 | 7,09,67,000 | 14766,08,07,000 |
| | Railway Funds | 6668,04,46,000 | 4,50,00,000 | 6672,54,46,000 |
| | Railway Safety Fund | 566,59,67,000 | 7,00,000 | 566,66,67,000 |
| Total : | | 64339,95,05,000 | 39,80,66,000 | 64379,75,71,000 |

Notification

10/1/2009-LA/238

The Prevention of Money-Laundering (Amendment) Act, 2009 (Central Act No. 21 of 2009), which has been passed by Parliament and assented to by the President of India on 6-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 6-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE PREVENTION OF MONEY-
LAUNDERING (AMENDMENT)
ACT, 2009

AN

ACT

further to amend the Prevention of Money-laundering Act, 2002.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Prevention of Money-laundering Act, 2002 (hereinafter 15 of 2003. referred to as the principal Act), in sub-section (1),—

(i) after clause (d), the following clause shall be inserted, namely:—

‘(da) “authorised person” means an authorised person as

defined in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;’; 42 of 1999.

(ii) after clause (j), the following clause shall be inserted, namely:—

‘(ja) “designated business or profession” means carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino or such other activities as the Central Government may, by notification, so designate, from time to time;’;

(iii) in clause (l), for the words “a non-banking financial company”, the words “an authorised person, a payment system operator and a non-banking financial company” shall be substituted;

(iv) in clause (q), after the words and figures “Reserve Bank of India Act, 1934”, the words “and includes 2 of 1934. a person carrying on designated business or profession” shall be inserted;

(v) after clause (r), the following clauses shall be inserted, namely:—

‘(ra) “offence of cross border implications”, means—

(i) any conduct by a person at a place outside India which constitutes an offence at that place and which would have constituted an offence specified in Part A, Part B or Part C of the Schedule, had it been committed in India and if such person remits the proceeds of such conduct or part thereof to India; or

(ii) any offence specified in Part A, Part B or Part C of the Schedule which has been committed in India and the proceeds of crime, or part thereof have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India.

Explanation:— Nothing contained in this clause shall adversely affect any investigation, enquiry, trial or proceeding before any authority in respect of the offences specified in Part A or Part B of the Schedule to the Act before the commencement of the Prevention of Money-laundering (Amendment) Act, 2009.

(rb) “payment system” means a system that enables payment to be effected between a payer and a beneficiary, involving clearing, payment or settlement service or all of them.

Explanation:— For the purposes of this clause, “payment system” includes the systems enabling credit card operations, debit card operations, smart card operations, money transfer operations or similar operations;

(rc) “payment system operator” means a person who operates a payment system and such person includes his overseas principal.

Explanation:— For the purposes of this clause, “overseas principal” means,—

(A) in the case of a person, being an individual, such individual residing outside India, who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(B) in the case of a Hindu undivided family, Karta of such Hindu undivided family residing outside India who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(C) in the case of a company, a firm, an association of persons, a body of individuals, an artificial juridical person, whether incorporated or not, such company, firm, association of persons, body of individuals, artificial juridical person incorporated or registered outside India or existing as such and which owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;’.

(vi) in clause (y), for sub-clause (ii), the following sub-clauses shall be substituted, namely:—

“(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more; or

(iii) the offences specified under Part C of the Schedule”.

3. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (1),—

(a) for the words “ninety days”, the words “one hundred and fifty days” shall be substituted;

(b) for the proviso, the following provisos shall be substituted, namely:—

“Provided that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, 2 of 1974. or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be:

Provided further that, notwithstanding anything contained in clause (b), any property of any person may be attached under this section if the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that if such property involved in money-laundering is not attached immediately under this Chapter, the non-attachment of the property is likely to frustrate any proceeding under this Act.”

4. *Amendment of section 6.*— In section 6 of the principal Act,—

(1) in sub-section (1), for the words “one or more Adjudicating Authorities”, the words “an Adjudicating Authority” shall be substituted;

(ii) in the proviso to sub-section (8), for the word “sixty-two”, the word “sixty-five” shall be substituted.

5. *Amendment of section 8.*— In section 8 of the principal Act, in sub-section (1), for the words and figure “offence under section 3”, the words and figure “offence under section 3 or is in possession of proceeds of crime” shall be substituted.

6. *Amendment of section 12.*— In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2)(a) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of ten years from the date of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.

(b) The records referred to in clause (c) of sub-section (1) shall be maintained for a period of ten years from the date of cessation of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.”.

7. *Amendment of section 17.*— In section 17 of the principal Act, in sub-section (1),—

(i) in the opening portion, for the words “the Director”, the words “the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section,” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that no search shall be conducted unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a ^{2 of 1974.} complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be.”.

8. *Amendment of section 18.*— In section 18 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, ^{2 of 1974.} or a complaint has been filed by a person authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be.”;

(ii) in sub-section (9), the proviso shall be omitted.

9. *Amendment of section 28.*— In section 28 of the principal Act, in sub-section (2), clause (a) shall be omitted.

10. *Amendment of section 32.*— In section 32 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the Chief Justice of India shall be consulted before removal of the Chairperson or a Member who was appointed on the recommendation of the Chief Justice of India.”.

11. *Amendment of section 38.*— In section 38 of the principal Act, for the words “one or more of the other Members”, the words “third Member” shall be substituted.

12. *Amendment of section 60.*— In section 60 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) When any property in India is confiscated as a result of execution of a request from a contracting State in accordance with the provisions of this Act, the Central Government may either return such property to the requesting State or compensate that State by disposal of such property on mutually agreed terms that would take into account deduction for reasonable expenses incurred in investigation, prosecution or judicial proceedings leading to the return or disposal of confiscated property.”.

13. *Amendment of Schedule.*— In the principal Act, in the Schedule,—

(i) in Part A,—

(a) in Paragraph 1, after section 121 A and the entry relating thereto, the following sections and the entries shall be inserted, namely:—

| Section | Description of offence |
|---------|---|
| “489A | Counterfeiting currency notes or bank notes. |
| 489B | Using as genuine, forged or counterfeit currency notes or bank notes.”; |

(b) in Paragraph 2, for sections 15, 18 and 20 and the entries relating thereto, the following sections and the entries shall be substituted, namely:—

| Section | Description of offence |
|---------|--|
| “15 | Contravention in relation to poppy straw. |
| 16 | Contravention in relation to coca plant and coca leaves. |
| 17 | Contravention in relation to prepared opium. |

| Section | Description of offence |
|---------|---|
| 18 | Contravention in relation to opium poppy and opium. |
| 19 | Embezzlement of opium by cultivator. |
| 20 | Contravention in relation to cannabis plant and cannabis. |
| 21 | Contravention in relation to manufactured drugs and preparations.”; |

(c) after Paragraph 2, the following Paragraphs shall be inserted, namely:—

“PARAGRAPH 3

OFFENCES UNDER THE EXPLOSIVE SUBSTANCES ACT, 1908

| Section | Description of offence |
|---------|---|
| 3 | Causing explosion likely to endanger life or property. |
| 4 | Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property. |
| 5 | Making or possessing explosives under suspicious circumstances. |

PARAGRAPH 4

OFFENCES UNDER THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

| Section | Description of offence |
|-------------------------------|--|
| 10 read with section 3 | Penalty for being member of an unlawful association, etc. |
| 11 read with sections 3 and 7 | Penalty for dealing with funds of an unlawful association. |
| 13 read with section 3 | Punishment for unlawful activities. |
| 16 read with section 15 | Punishment for terrorist act. |
| 16A | Punishment for making demands of radioactive substances, nuclear devices, etc. |
| 17 | Punishment for raising fund for terrorist act. |
| 18 | Punishment for conspiracy, etc. |
| 18A | Punishment for organising of terrorist camps. |
| 18B | Punishment for recruiting of any person or persons for terrorist act. |

| Section | Description of offence |
|---------|--|
| 19 | Punishment for harbouring, etc. |
| 20 | Punishment for being member of terrorist gang or organisation. |
| 21 | Punishment for holding proceeds of terrorism. |
| 38 | Offence relating to membership of a terrorist organisation. |
| 39 | Offence relating to support given to a terrorist organisation. |
| 40 | Offence of raising fund for a terrorist organisation."; |

(ii) in Part B,—

(a) for Paragraph 1, the following Paragraph shall be substituted, namely:—

“PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

| Section | Description of offence |
|------------|--|
| 120B | Criminal conspiracy. |
| 255 | Counterfeiting Government stamp. |
| 257 | Making or selling instrument for counterfeiting Government stamp. |
| 258 | Sale of counterfeit Government stamp. |
| 259 | Having possession of counterfeit Government stamp. |
| 260 | Using as genuine a Government stamp known to be counterfeit. |
| 302 | Murder. |
| 304 | Punishment for culpable homicide not amounting to murder. |
| 307 | Attempt to murder. |
| 308 | Attempt to commit culpable homicide. |
| 327 | Voluntarily causing hurt to extort property, or to constrain to an illegal act. |
| 329 | Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act. |
| 364A | Kidnapping for ransom, etc. |
| 384 to 389 | Offences relating to extortion. |
| 392 to 402 | Offences relating to robbery and dacoity. |
| 411 | Dishonestly receiving stolen property. |
| 412 | Dishonestly receiving property stolen in the commission of a dacoity. |
| 413 | Habitually dealing in stolen property. |
| 414 | Assisting in concealment of stolen property. |

| Section | Description of offence |
|-------------|---|
| 417 | Punishment for cheating. |
| 418 | Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect. |
| 419 | Punishment for cheating by personation. |
| 420 | Cheating and dishonestly inducing delivery of properties. |
| 421 | Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors. |
| 422 | Dishonestly or fraudulently preventing debt being available for creditors. |
| 423 | Dishonest or fraudulent execution of deed of transfer containing false statement of consideration. |
| 424 | Dishonest or fraudulent removal or concealment of property. |
| 467 | Forgery of valuable security, will, etc. |
| 471 | Using as genuine a forged document or electronic record. |
| 472 and 473 | Making or possessing counterfeit seal, etc., with intent to commit forgery. |
| 475 and 476 | Counterfeiting device or mark. |
| 481 | Using a false property mark. |
| 482 | Punishment for using a false property mark. |
| 483 | Counterfeiting a property mark used by another. |
| 484 | Counterfeiting a mark used by a public servant. |
| 485 | Making or possession of any instrument for counterfeiting a property mark. |
| 486 | Selling goods marked with a counterfeit property mark. |
| 487 | Making a false mark upon any receptacle containing goods. |
| 488 | Punishment for making use of any such false mark."; |

(b) in Paragraph 3, before section 51 read with section 17A and the entry relating thereto, the following section and the entry shall be inserted, namely:—

| Section | Description of offence |
|-------------------------|----------------------------|
| “51 read with section 9 | Hunting of wild animals.”; |

(c) in Paragraph 5, after section 10 and the entry relating thereto, the following section and the entry shall be inserted, namely:—

| Section | Description of offence |
|---------|--|
| "13 | Criminal misconduct by a public servant."; |

(d) after Paragraph 5, the following Paragraphs shall be inserted, namely:—

“PARAGRAPH 6

OFFENCES UNDER THE EXPLOSIVES
ACT, 1884

| Section | Description of offence |
|---------|----------------------------------|
| 9-B | Punishment for certain offences. |
| 9-C | Offences by companies. |

PARAGRAPH 7

OFFENCES UNDER THE ANTIQUITIES AND ARTS
TREASURES ACT, 1972

| Section | Description of offence |
|------------------------|---|
| 25 read with section 3 | Contravention of export trade in antiquities and art treasures. |
| 28 | Offences by companies. |

PARAGRAPH 8

OFFENCES UNDER THE SECURITIES
AND EXCHANGE BOARD OF INDIA
ACT, 1992

| Section | Description of offence |
|--------------------------|--|
| 12A read with section 24 | Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control. |

PARAGRAPH 9

OFFENCES UNDER THE CUSTOMS
ACT, 1962

| Section | Description of offence |
|---------|----------------------------------|
| 135 | Evasion of duty or prohibitions. |

PARAGRAPH 10

OFFENCES UNDER THE BONDED LABOUR
SYSTEM (ABOLITION) ACT, 1976

| Section | Description of offence |
|---------|---|
| 16 | Punishment for enforcement of bonded labour. |
| 18 | Punishment for extracting bonded labour under the bonded labour system. |
| 20 | Abetment to be an offence. |

PARAGRAPH 11

OFFENCES UNDER THE CHILD LABOUR
(PROHIBITION AND REGULATION)
ACT, 1986

| Section | Description of offence |
|---------|---|
| 14 | Punishment for employment of any child to work in contravention of the provisions of section 3. |

PARAGRAPH 12

OFFENCES UNDER THE TRANSPLANTATION
OF HUMAN ORGANS ACT, 1994

| Section | Description of offence |
|---------|--|
| 18 | Punishment for removal of human organ without authority. |
| 19 | Punishment for commercial dealings in human organs. |
| 20 | Punishment for contravention of any other provision of this Act. |

PARAGRAPH 13

OFFENCES UNDER THE JUVENILE JUSTICE
(CARE AND PROTECTION OF CHILDREN)
ACT, 2000

| Section | Description of offence |
|---------|---|
| 23 | Punishment for cruelty to juvenile or child. |
| 24 | Employment of juvenile or child for begging. |
| 25 | Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child. |
| 26 | Exploitation of juvenile or child employee. |

PARAGRAPH 14

OFFENCES UNDER THE EMIGRATION ACT, 1983

| Section | Description of offence |
|---------|-------------------------|
| 24 | Offences and penalties. |

PARAGRAPH 15

OFFENCES UNDER THE PASSPORTS ACT, 1967

| Section | Description of offence |
|---------|-------------------------|
| 12 | Offences and penalties. |

PARAGRAPH 16

OFFENCES UNDER THE FOREIGNERS ACT, 1946

| Section | Description of offence |
|---------|--|
| 14 | Penalty for contravention of provisions of the Act, etc. |
| 14B | Penalty for using forged passport. |
| 14C | Penalty for abetment. |

PARAGRAPH 17

OFFENCES UNDER THE COPYRIGHT ACT, 1957

| Section | Description of offence |
|---------|---|
| 63 | Offence of infringement of copyright or other rights conferred by this Act. |
| 63A | Enhanced penalty on second and subsequent convictions. |
| 63B | Knowing use of infringing copy of computer programme. |
| 68A | Penalty for contravention of section 52A. |

PARAGRAPH 18

OFFENCES UNDER THE TRADE MARKS ACT, 1999

| Section | Description of offence |
|---------|---|
| 103 | Penalty for applying false trade marks, trade descriptions, etc. |
| 104 | Penalty for selling goods or providing services to which false trademark or false trade description is applied. |
| 105 | Enhanced penalty on second or subsequent conviction. |

| Section | Description of offence |
|---------|--|
| 107 | Penalty for falsely representing a trade mark as registered. |
| 120 | Punishment of abetment in India of acts done out of India. |

PARAGRAPH 19

OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

| Section | Description of offence |
|---------|--|
| 72 | Penalty for breach of confidentiality and privacy. |
| 75 | Act to apply for offence or contravention committed outside India. |

PARAGRAPH 20

OFFENCES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002

| Section | Description of offence |
|------------------------|--|
| 55 read with section 6 | Penalties for contravention of section 6, etc. |

PARAGRAPH 21

OFFENCES UNDER THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

| Section | Description of offence |
|-------------------------|---|
| 70 read with section 68 | Penalty for applying false denomination, etc. |
| 71 read with section 68 | Penalty for selling varieties to which false denomination is applied. |
| 72 read with section 68 | Penalty for falsely representing a variety as registered. |
| 73 read with section 68 | Penalty for subsequent offence. |

PARAGRAPH 22

OFFENCES UNDER THE ENVIRONMENT
PROTECTION ACT, 1986

| Section | Description of offence |
|------------------------|---|
| 15 read with section 7 | Penalty for discharging environmental pollutants. |
| 15 read with section 8 | Penalty for handling hazardous substance. |

PARAGRAPH 23

OFFENCES UNDER THE WATER (PREVENTION
AND CONTROL OF POLLUTION)
ACT, 1974

| Section | Description of offence |
|---------|--|
| 41(2) | Penalty for pollution of stream or well. |
| 43 | Penalty for contravention of provisions of section 24. |

PARAGRAPH 24

OFFENCES UNDER THE AIR (PREVENTION
AND CONTROL OF POLLUTION) ACT, 1981

| Section | Description of offence |
|---------|---|
| 37 | Failure to comply with the provisions for operating industrial plant. |

PARAGRAPH 25

OFFENCES UNDER THE SUPPRESSION OF
UNLAWFUL ACTS AGAINST SAFETY OF
MARITIME NAVIGATION AND FIXED
PLATFORMS ON CONTINENTAL
SHELF ACT, 2002

| Section | Description of offence |
|---------|--|
| 3 | Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc.”. |

(iii) after Part B, the following Part shall be inserted, namely:—

“PART C

An offence which is the offence of cross border implications and is specified in,—

(1) Part A; or

(2) Part B without any monetary threshold; or

(3) the offences against property under Chapter XVII of the Indian Penal Code.”.



Department of Personnel

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Notification

1/3/89-PER(Part file II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of the existing Recruitment Rules published in the Official Gazette Series I No. 46 dated 15-2-2007, vide Notification No. 1/3/89-PER(Pt. II) dated 23-1-2007, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group ‘A’, Gazetted post, in the Government Polytechnic, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Government Polytechnic, Group ‘A’, Gazetted post, Recruitment Rules, 2009.

(2) They shall apply to the post specified in column (1) of the Schedule to these

rules (hereinafter called as the “said Schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scale of pay.— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. Disqualification.— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and

that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

These rules are issued in consultation with the Goa Public Service Commission conveyed vide its letter No. COM/II/13/34(1)/89/994 dated 1-7-2009.

By order and in the name of the Governor
of Goa.

Yetindra M. Maralkar, Joint Secretary
(Personnel).

Porvorim, 14th August, 2009.

SCHEDULE

| Name/ Designation of post | Number of posts | Classifi- cation | Scale of pay | Whether selec- tion post or non- selec- tion post | Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972 | Whether age & educational qualifications prescribed for the direct recruit will apply in the case of promotees | Period of probation, if any | Method of recruitment whether by direct recruitment or by promotion/ or by deputation/ transfer/contract and percentage of the vacancies to be filled by various methods | In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer is to be made | If a D. P. C. exists, what is its composition | Circumstances in which the Goa Public Service Commission is to be consulted in making recruitment. | |
|---|---|---|---------------------------------|--|--|--|--------------------------------------|--|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Head of Depart- ment (Humanities & Sciences). | 1 (2009) Subject to variation dependent on work- load). | Goa General Service, 'A' Group Gaze- teted. | Rs. 12000- 420- 18300. | N. A. | Not exceed- ing 45 years (Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Government from time to time). | N. A. Essential: (i) Ph. D. (with First Class Master's Degree in appro- priate branch of Human- ities and Sciences) etc. with 5 years experience in teaching or in Industry or in Research, at the level of Lecturer or equivalent. Note: Appropriate branch means subjects such as Maths, Physics, Chemis- try, English and Environ- mental Science as the case may be. (i) Knowledge of Konkani. Note: In case of non-availabil- ity of a suitable candidate with the knowledge of Konkani, this requirement can be relaxed. | N. A. | 2 years. | By direct recruitment. | N. A. | Group 'A' D.P.C. (for considering confirmation) consisting of:— (1) Chairman/ Member of Goa Public Service Commission —Chairman. (2) Chief Secre- tary or his nominee —Member. (3) Administra- tive Secretary/ Head of Depart- ment —Member. | Con- sulta- tion with the Goa Public Service Commis- sion is neces- sary for making direct recruit- ment, confr- mation, and for amen- ding/ relaxing any of the provisi- ons of these rules. |
| Desirable: Knowledge of Marathi. | | | | | | | | | | | | |

Department of Transport

Directorate of Transport

Notification

D.Tpt/STA/1237/2002-03

Read: Notification No. D.Tpt/STA/1237/2002-03/1196 dated 10-7-2003.

Government of Goa is pleased to amend Clause 3(1) of the above Notification so as

to increase the quantum of subsidy for Yellow/Black Motor Cycles from Rs. 12,000/- to Rs. 18,000/-.

By order and in the name of the Governor of Goa.

Arvind D. Loliyekar, ex officio Joint Secretary & Director of Transport.

Panaji, 3rd September, 2009.

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